STEVEN L. BESHEAR
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

LEONARD K. PETERS
SECRETARY

FACT SHEET

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE TREATED WASTEWATER
INTO WATERS OF THE COMMONWEALTH

KPDES No.: KY0095826 **Permit Writer:** William Shane **Date:** December 10, 2009
AI No.: 1782

1. **SYNOPSIS OF APPLICATION**

a. Name and Address of Applicant

Glass Paving & Stone, LLC
P.O. Box 836
Glasgow, Kentucky 42142

b. Facility Location

Glass Sand & Gravel
830 Aetna Furnace Road
Magnolia, Hart County, Kentucky

c. Description of Applicant's Operation

Sand and gravel quarry (SIC Code 1442). Sand and gravel is removed and processed through screens, both wet and dry, and sand classifiers.

d. Production Capacity of Facility

Not Applicable

e. Description of Existing Pollution Abatement Facilities

Drainage from Outfalls 001 and 004 is treated using a sediment basin. Outfalls LCCU and LCCD are in-stream monitoring points; no treatment is provided.

f. Permitting Action

This is a reissuance of a minor KPDES permit for a wastewater treatment plant serving an existing sand and gravel quarry.

2. **RECEIVING WATER**

a. Name/Mile Point

Outfall 001 discharges to Lindy Creek at latitude 37˚23'26"N and longitude 85˚40'30"W.

Outfall 004 discharges to Lindy Creek at latitude 37˚23'16"N and longitude 85˚41'01"W.

Outfall LCCU is an in-stream monitoring point on Lynn Camp Creek upstream of its confluence with Lindy Creek and is located at latitude 37˚23'44"N and longitude 85˚42'08"W.

Outfall LCCD is an in-stream monitoring point on Lynn Camp Creek downstream of its confluence with Lindy Creek and is located at latitude 37˚23'22"N and longitude 85˚42'13"W.

b. Stream Segment Use Classification

Pursuant to 401 KAR 10:026, Section 5, Lindy Creek carries the following classifications: Warmwater Aquatic Habitat, Primary and Secondary Contact Recreation, Domestic Water Supply

Pursuant to 401 KAR 10:026, Section 5, Lynn Camp Creek carries the following classifications: Coldwater Aquatic Habitat, Primary and Secondary Contact Recreation, Outstanding State Resource Water

c. Stream Segment Categorization

Pursuant to 401 KAR 10:030, Section 1 Lindy Creek is categorized as High Quality Waters.

Pursuant to 401 KAR 10:030, Section 1 Lindy Creek is categorized as Exceptional Waters.

d. Stream Low Flow Condition

The 7-day, 10-year low flow and harmonic mean conditions of Lindy Creek are 0.0 and 0.0 cfs, respectively.

3A. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge – Outfall 001 (Quarry Drainage)

Effluent Characteristics	Reported Discharge Monthly Average	Reported Discharge Daily Maximum	Proposed Limits Monthly Average	Proposed Limits Daily Maximum	Applicable Water Quality Criteria and/or Effluent Guidelines
Flow (MGD)	0.131	0.698	Report	Report	401 KAR 5:065, Section 2(4) 40 CFR 122.44(i)(1)(ii)
Total Suspended Solids (mg/l)	14.4	53.0	40.0	80.0	401 KAR 5:080, Section 2(3) 40 CFR 125.3
Oil & Grease (mg/l)	1.06	1.5	10.0	15.0	401 KAR 5:080, Section 2(3) 40 CFR 125.3
pH (standard units)	6.9	8.67	6.0 (min)	9.0 (max)	401 KAR 10:031, Section 4

The data in the Reported Discharge columns for all parameters was determined from analysis of DMR data that had been reported during the term of the previous permit.

4A. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall 001 – Quarry Drainage

b. Effluent Characteristics

Flow, Total Suspended Solids, Oil & Grease, and pH

c. Pertinent Factors

Lindy Creek is a tributary of Lynn Camp Creek which has been designated as a Coldwater Aquatic Habitat pursuant to the requirements of 401 KAR 10:026, Section 7, and 401 KAR 10:031, Section 6.

d. Monitoring Requirements

Flow monitoring shall be conducted instantaneously twice per month.

Total Suspended Solids and pH shall be monitored twice per month by grab sample.

Oil & Grease shall be monitored once per month by grab sample.

e. Justification of Conditions

The Kentucky regulations cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes.

Flow
The monitoring requirements for this parameter are consistent with the requirements of 401 KAR 5:065, Section 2(3).

Total Suspended Solids
The limits for this parameter are consistent with the requirements of 40 CFR 125.3(c)(2) as incorporated by reference in 401 KAR 5:080, Section 2(3). These limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Practicable Control Technology Currently Available" (BPT) and "Best Available Technology Economically Achievable" (BAT) requirements for these types of discharges. The Division of Water based its determination on the model permit for construction sand and gravel developed by the Environmental Protection Agency (EPA) Office of Water Enforcement and Permits.

Oil & Grease
The limits for this parameter are consistent with the requirements of 40 CFR 125.3(c)(2) as incorporated by reference in 401 KAR 5:080, Section 2(3). These limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Practicable Control Technology Currently Available" (BPT) and "Best Available Technology Economically Achievable" (BAT) requirements for these types of discharges.

pH
The limits for these parameters are consistent with the requirements of 401 KAR 10:031, Section 4.

3B. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge – Outfall 004 (Quarry Drainage)

Effluent Characteristics	Reported Discharge Monthly Average	Reported Discharge Daily Maximum	Proposed Limits Monthly Average	Proposed Limits Daily Maximum	Applicable Water Quality Criteria and/or Effluent Guidelines
Flow (MGD)	0.116	0.572	Report	Report	401 KAR 5:065, Section 2(4) 40 CFR 122.44(i)(1)(ii)
Total Suspended Solids (mg/l)	14.4	53.0	40.0	80.0	401 KAR 5:080, Section 2(3) 40 CFR 125.3
Oil & Grease (mg/l)	1.06	1.5	10.0	15.0	401 KAR 5:080, Section 2(3) 40 CFR 125.3
pH (standard units)	7.0	8.45	6.0 (min)	9.0 (max)	401 KAR 10:031, Section 4

The data in the Reported Discharge columns for all parameters was determined from analysis of DMR data reported during the term of the previous permit.

4B. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall 004 – Quarry Drainage

b. Effluent Characteristics

Flow, Total Suspended Solids, Oil & Grease, and pH

c. Pertinent Factors

Lindy Creek is a tributary of Lynn Camp Creek which has been designated as a Coldwater Aquatic Habitat pursuant to the requirements of 401 KAR 10:026, Section 7, and 401 KAR 10:031, Section 6.

d. Monitoring Requirements

Flow monitoring shall be conducted instantaneously twice per month.

Total Suspended Solids and pH shall be monitored twice per month by grab sample.

Oil & Grease shall be monitored once per month by grab sample.

e. Justification of Conditions

The Kentucky regulations cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes.

Flow
The monitoring requirements for this parameter are consistent with the requirements of 401 KAR 5:065, Section 2(3).

Total Suspended Solids
The limits for this parameter are consistent with the requirements of 40 CFR 125.3(c)(2) as incorporated by reference in 401 KAR 5:080, Section 2(3). These limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Practicable Control Technology Currently Available" (BPT) and "Best Available Technology Economically Achievable" (BAT) requirements for these types of discharges. The Division of Water based its determination on the model permit for construction sand and gravel developed by the Environmental Protection Agency (EPA) Office of Water Enforcement and Permits.

Oil & Grease
The limits for this parameter are consistent with the requirements of 40 CFR 125.3(c)(2) as incorporated by reference in 401 KAR 5:080, Section 2(3). These limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Practicable Control Technology Currently Available" (BPT) and "Best Available Technology Economically Achievable" (BAT) requirements for these types of discharges.

pH
The limits for these parameters are consistent with the requirements of 401 KAR 10:031, Section 4.

3C. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Outfall LCCU (Lynn Camp Creek Upstream)

Effluent Characteristics	Reported Discharge Monthly Average	Reported Discharge Daily Maximum	Proposed Limits Monthly Average	Proposed Limits Daily Maximum	Applicable Water Quality Criteria and/or Effluent Guidelines
Flow (MGD)	0.427	0.810	Report	Report	401 KAR 5:065, Section 2(3) 40 CFR 122.43(a)
Temperature (°F)	56.0	78.0	Report	Report	401 KAR 5:065, Section 2(3) 40 CFR 122.43(a)
Total Suspended Solids (mg/l)	26.1	325.0	Report	Report	401 KAR 5:065, Section 2(3) 40 CFR 122.43(a)
Settleable Solids (ml/l)	NR	NR	Report	Report	401 KAR 5:065, Section 2(3) 40 CFR 122.43(a)
pH (standard units)	7.1	8.2	Report	Report	401 KAR 5:065, Section 2(3) 40 CFR 122.43(a)

The data in the Reported Discharge columns for all parameters was determined from analysis of DMR data reported during the term of the previous permit.

The abbreviation NR means not reported on the Discharge Monitoring Report (DMR).

4C. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall LCCU - Lynn Camp Creek Upstream

b. Effluent Characteristics

Flow, Temperature, Total Suspended Solids, Settleable Solids, and pH

c. Pertinent Factors

Lindy Creek is a tributary of Lynn Camp Creek which has been designated as a Coldwater Aquatic Habitat pursuant to the requirements of 401 KAR 10:026, Section 7, and 401 KAR 10:031, Section 6.

During the term of the permit extending from 1992 to 1997, the permittee conducted a fish survey of Lynn Camp Creek between two points, one upstream and one downstream of the confluence with Lindy Creek. The study did not find any trout specimens. For the 1997 renewal the Division of Water opted for monitoring of Lynn Camp Creek at the upstream and downstream locations to ascertain the potential impact of the operation rather than repeat the fish survey annually. This renewal will continue the requirements of the 1997 renewal.

d. Monitoring Requirements

Flow monitoring shall be conducted instantaneously once per month.

Total Suspended Solids, Temperature, Settleable Solids, and pH shall be monitored once per month by grab sample.

e. Justification of Conditions

The Kentucky regulations cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes.

Flow, Temperature, Total Suspended Solids, Settleable Solids, and pH
The monitoring requirements for this parameter are consistent with the requirements of 401 KAR 5:065, Section 2(3).

3D. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge – Outfall LCCD (Lynn Camp Creek Downstream)

Effluent Characteristics	Reported Discharge Monthly Average	Reported Discharge Daily Maximum	Proposed Limits Monthly Average	Proposed Limits Daily Maximum	Applicable Water Quality Criteria and/or Effluent Guidelines
Flow (MGD)	0.418	0.784	Report	Report	401 KAR 5:065, Section 2(3) 40 CFR 122.43(a)
Temperature (°F)	54.8	78.0	Report	Report	401 KAR 5:065, Section 2(3) 40 CFR 122.43(a)
Total Suspended Solids (mg/l)	26.1	315.0	Report	Report	401 KAR 5:065, Section 2(3) 40 CFR 122.43(a)
Settleable Solids (ml/l)	NR	NR	Report	Report	401 KAR 5:065, Section 2(3) 40 CFR 122.43(a)
pH (standard units)	7.1	8.4	Report	Report	401 KAR 5:065, Section 2(3) 40 CFR 122.43(a)

The data in the Reported Discharge columns for all parameters was determined from analysis of DMR data reported during the term of the previous permit.

The abbreviation NR means not reported on the Discharge Monitoring Report (DMR).

4D. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall LCCD - Lynn Camp Creek Downstream

b. Effluent Characteristics

Flow, Temperature, Total Suspended Solids, Settleable Solids, and pH

c. Pertinent Factors

Lindy Creek is a tributary of Lynn Camp Creek which has been designated as a Coldwater Aquatic Habitat pursuant to the requirements of 401 KAR 10:026, Section 7, and 401 KAR 10:031, Section 6.

During the term of the permit extending from 1992 to 1997, the permittee conducted a fish survey of Lynn Camp Creek between two points, one upstream and one downstream of the confluence with Lindy Creek. The study did not find any trout specimens. For the 1997 renewal the Division of Water opted for monitoring of Lynn Camp Creek at the upstream and downstream locations to ascertain the potential impact of the operation rather than repeat the fish survey annually. This renewal will continue the requirements of the 1997 renewal.

d. Monitoring Requirements

Flow monitoring shall be conducted instantaneously once per month.

Total Suspended Solids, Temperature, Settleable Solids, and pH shall be monitored once per month by grab sample.

e. Justification of Conditions

The Kentucky regulations cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes.

Flow, Temperature, Total Suspended Solids, Settleable Solids, and pH
The monitoring requirements for this parameter are consistent with the requirements of 401 KAR 5:065, Section 2(3).

5. **ANTIDEGRADATION**

The conditions of 401 KAR 10:029, Section 1 have been satisfied by this permit action. Since this permit action involves reissuance of an existing permit, and does not propose an expanded discharge, a review under 401 KAR 10:030 Section 1 is not applicable.

6. **PROPOSED COMPLIANCE SCHEDULE FOR ATTAINING EFFLUENT LIMITATIONS**

The permittee will comply with all effluent limitations by the effective date of the permit.

7. **PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE**

Best Management Practices (BMP) Plan
Pursuant to 401 KAR 5:065, Section 2(4), a BMP requirement shall be included: to control or abate the discharge of pollutants from ancillary areas containing toxic or hazardous substances or those substances which could result in an environmental emergency; where numeric effluent limitations are infeasible; or to carry out the purposes and intent of KRS 224. The facility has several areas where support activities occur which have a potential of the discharge of such substances through storm water runoff or spillage. Some of these areas will drain to present wastewater treatment plants, others will not.

Outfall Signage
The permittee shall post a permanent marker at all discharge locations and/or monitoring points. The marker shall be of sufficient size to display the Permittee Name, KPDES permit and outfall numbers and shall be prominently displayed. For internal monitoring points the marker shall be of sufficient size to include the outfall number and is to be posted as near as possible to the actual sampling location.

8. **PERMIT DURATION**

Five (5) years. This facility is in the Tradewater/Green Basin Management Unit as per the Kentucky Watershed Management Framework.

9. **PERMIT INFORMATION**

The application, draft permit, fact sheet, public notice, comments received, and additional information is available from the Division of Water at 200 Fair Oaks Lane, Frankfort, Kentucky 40601.

10. **REFERENCES AND CITED DOCUMENTS**

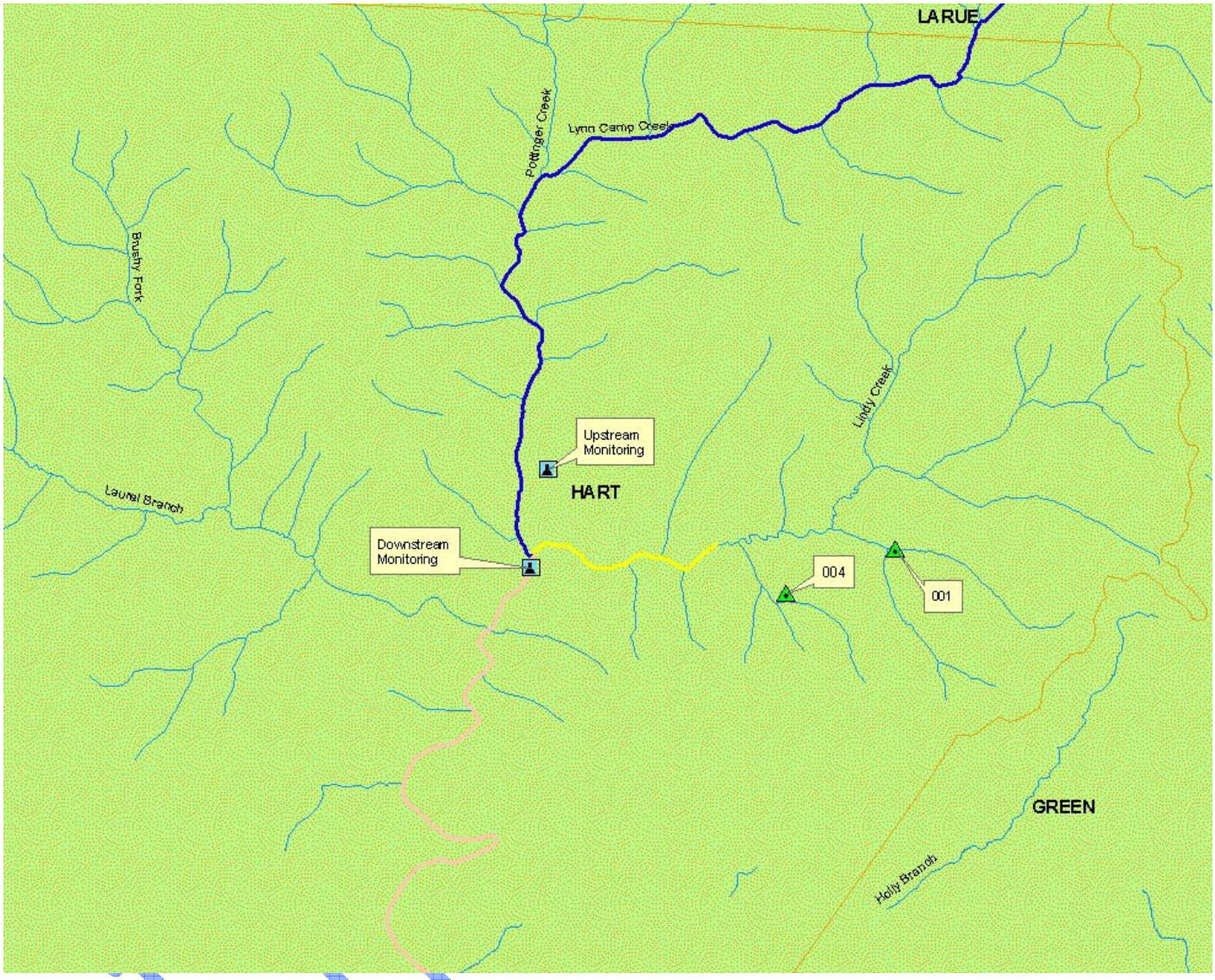
All material and documents referenced or cited in this fact sheet are a part of the permit information as described above and are readily available at the Division of Water Central Office. Information regarding these materials may be obtained from the person listed below.

11. **CONTACT**

For further information on the draft permit or comment process, contact the individual identified on the Public Notice or the Permit Writer – William Shane at (502) 564-8158, extension 4893, or email William.Shane@ky.gov.

12. **PUBLIC NOTICE INFORMATION**

Please refer to the attached Public Notice for details regarding the procedures for a final decision, deadline for comments and other information required by 401 KAR 5:075, Section 4(2)(e).


LARUE
Pottinger Creek
Lynn Camp Creek
Brushy Fork
Upstream Monitoring
HART
Laural Branch
Downstream Monitoring
Lindy Creek
004
001
GREEN
Holly Branch

KPDES

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT

PERMIT NO.: KY0095826
AI NO.: 1782

AUTHORIZATION TO DISCHARGE UNDER THE KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to Authority in KRS 224,

Glass Paving & Stone, LLC
P.O. Box 836
Glasgow, Kentucky 42142

is authorized to discharge from a facility located at

Glass Sand & Gravel
830 Aetna Furnace Road
Magnolia, Hart County, Kentucky

to receiving waters named

Outfall 001 discharges to Lindy Creek at latitude 37˚23'26"N and longitude 85˚40'30"W.

Outfall 004 discharges to Lindy Creek at latitude 37˚23'16"N and longitude 85˚41'01"W.

Outfall LCCU is an in-stream monitoring point on Lynn Camp Creek located at latitude 37˚23'44"N and longitude 85˚42'08"W.

Outfall LCCD is an in-stream monitoring point on Lynn Camp Creek located at latitude 37˚23'22"N and longitude 85˚42'13"W.

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, and IV hereof. The permit consists of this cover sheet, Part I 5 pages, Part II 1 page, Part III 1 page, and Part IV 3 pages.

This permit shall become effective on.

This permit and the authorization to discharge shall expire at midnight, .

Date Signed

Sandra L. Gruzesky, Director
Division of Water

PART I A1 - EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: 001 – Quarry Drainage

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS (lbs/day)		DISCHARGE LIMITATIONS Other Units (Specify)		MONITORING REQUIREMENTS	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow (MGD)	Report	Report	N/A	N/A	2/Month	Instantaneous
Total Suspended Solids	N/A	N/A	40.0	80.0	2/Month	Grab
Oil & Grease	N/A	N/A	10.0	15.0	1/Month	Grab
pH (standard units)	N/A	N/A	6.0 (min)	9.0 (max)	2/Month	Grab

The abbreviation N/A means Not Applicable.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: nearest accessible point prior to discharge to or mixing with the receiving waters or wastestreams from other outfalls.

PART I A2 - EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: 004 – Quarry Drainage

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS (lbs/day)		DISCHARGE LIMITATIONS Other Units (Specify)		MONITORING REQUIREMENTS	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow (MGD)	Report	Report	N/A	N/A	2/Month	Instantaneous
Total Suspended Solids (mg/l)	N/A	N/A	40.0	80.0	2/Month	Grab
Oil & Grease (mg/l)	N/A	N/A	10.0	15.0	1/Month	Grab
pH (standard units)	N/A	N/A	6.0 (min)	9.0 (max)	2/Month	Grab

The abbreviation N/A means Not Applicable.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: nearest accessible point prior to discharge to or mixing with the receiving waters or wastestreams from other outfalls.

PART I A3 - EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: LCCU – Lynn Camp Creek Upstream

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS (lbs/day)		Other Units (Specify)		MONITORING REQUIREMENTS	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow (MGD)	Report	Report	N/A	N/A	1/Month	Instantaneous
Temperature (°F)	N/A	N/A	Report	Report	1/Month	Grab
Total Suspended Solids (mg/l)	N/A	N/A	Report	Report	1/Month	Grab
Settleable Solids (ml/l)	N/A	N/A	Report	Report	1/Month	Grab
pH (standard units)	N/A	N/A	Report	Report	1/Month	Grab

The abbreviation N/A means Not Applicable.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: nearest accessible point prior to discharge to or mixing with the receiving waters or wastestreams from other outfalls.

PART I A4 - EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: LCCD – Lynn Camp Creek Downstream

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS (lbs/day)		Other Units (Specify)		MONITORING REQUIREMENTS	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow (MGD)	Report	Report	N/A	N/A	1/Month	Instantaneous
Temperature (°F)	N/A	N/A	Report	Report	1/Month	Grab
Total Suspended Solids (mg/l)	N/A	N/A	Report	Report	1/Month	Grab
Settleable Solids (ml/l)	N/A	N/A	Report	Report	1/Month	Grab
pH (standard units)	N/A	N/A	Report	Report	1/Month	Grab

The abbreviation N/A means Not Applicable.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: nearest accessible point prior to discharge to or mixing with the receiving waters or wastestreams from other outfalls.

PART I B - SCHEDULE OF COMPLIANCE

The permittee shall achieve compliance with all requirements on the effective date of this permit.

PART II - STANDARD CONDITIONS FOR KPDES PERMIT

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this permit.

PART III - OTHER REQUIREMENTS

A. Reporting of Monitoring Results

Monitoring results obtained during each monitoring period must be reported on a preprinted Discharge Monitoring Report (DMR) Form that will be mailed to you. The completed DMR for each monitoring period must be sent to the Division of Water at the address listed below (with a copy to the appropriate Regional Office) postmarked no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

Division of Water
Bowling Green Regional Office
1508 Western Avenure
Bowling Green, Kentucky 42104
ATTN: Supervisor

Division of Water
Surface Water Permits Branch
Permit Support Section
200 Fair Oaks Lane
Frankfort, Kentucky 40601

B. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:086, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

C. Outfall Signage

The permittee shall post a permanent marker at all discharge locations and/or monitoring points. The marker shall be of sufficient size to display the Permittee Name, KPDES permit and outfall numbers and shall be prominently displayed. For internal monitoring points the marker shall be of sufficient size to include the outfall number and is to be posted as near as possible to the actual sampling location.

PART V - BEST MANAGEMENT PRACTICES

SECTION A. GENERAL CONDITIONS

1. Applicability

These conditions apply to all permittees who use, manufacture, store, handle, or discharge any pollutant listed as: (1) toxic under Section 307(a)(1) of the Clean Water Act; (2) oil, as defined in Section 311(a)(1) of the Act; (3) any pollutant listed as hazardous under Section 311 of the Act; or (4) is defined as a pollutant pursuant to KRS 224.01-010(35) and who have ancillary manufacturing operations which could result in (1) the release of a hazardous substance, pollutant, or contaminant, or (2) an environmental emergency, as defined in KRS 224.01-400, as amended, or any regulation promulgated pursuant thereto (hereinafter, the "BMP pollutants"). These operations include material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations, and sludge and waste disposal areas.

2. BMP Plan

The permittee shall develop and implement a Best Management Practices (BMP) plan consistent with 401 KAR 5:065, Section 2(4) pursuant to KRS 224.70-110, which prevents or minimizes the potential for the release of "BMP pollutants" from ancillary activities through plant site runoff; spillage or leaks, sludge or waste disposal; or drainage from raw material storage. A Best Management Practices (BMP) plan will be prepared by the permittee unless the permittee can demonstrate through the submission of a BMP outline that the elements and intent of the BMP have been fulfilled through the use of existing plans such as the Spill Prevention Control and Countermeasure (SPCC) plans, contingency plans, and other applicable documents.

3. Implementation

If this is the first time for the BMP requirement, then the plan shall be developed and submitted to the Division of Water within 90 days of the effective date of the permit. Implementation shall be within 180 days of that submission. For permit renewals the plan in effect at the time of permit reissuance shall remain in effect. Modifications to the plan as a result of ineffectiveness or plan changes to the facility shall be submitted to the Division of Water and implemented as soon as possible.

4. General Requirements

The BMP plan shall:

a. Be documented in narrative form, and shall include any necessary plot plans, drawings, or maps.

b. Establish specific objectives for the control of toxic and hazardous pollutants.

   (1) Each facility component or system shall be examined for its potential for causing a release of "BMP pollutants" due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.

(2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g., precipitation), or other circumstances which could result in a release of "BMP pollutants," the plan should include a prediction of the direction, rate of flow, and total quantity of the pollutants which could be released from the facility as result of each condition or circumstance.

c. Establish specific Best Management Practices to meet the objectives identified under paragraph b of this section, addressing each component or system capable of causing a release of "BMP pollutants."

d. Include any special conditions established in part b of this section.

e. Be reviewed by plant engineering staff and the plant manager.

5. Specific Requirements

The plan shall be consistent with the general guidance contained in the publication entitled "NPDES Best Management Practices Guidance Document," and shall include the following baseline BMPs as a minimum.

a. BMP Committee
b. Reporting of BMP Incidents
c. Risk Identification and Assessment
d. Employee Training
e. Inspections and Records
f. Preventive Maintenance
g. Good Housekeeping
h. Materials Compatibility
i. Security
j. Materials Inventory

6. SPCC Plans

The BMP plan may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Act and 40 CFR Part 151, and may incorporate any part of such plans into the BMP plan by reference.

7. Hazardous Waste Management

The permittee shall assure the proper management of solid and hazardous waste in accordance with the regulations promulgated under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1978 (RCRA) (40 U.S.C. 6901 et seq.) Management practices required under RCRA regulations shall be referenced in the BMP plan.

8. Documentation

The permittee shall maintain a description of the BMP plan at the facility and shall make the plan available upon request to EEC personnel. Initial copies and modifications thereof shall be sent to the following addresses when required by Section 3:

Division of Water
Bowling Green Regional Office
1508 Western Avenue
Bowling Green, Kentucky 42104
ATTN: Supervisor

Division of Water
Surface Water Permits Branch
Operational Permits Section
200 Fair Oaks Lane
Frankfort, Kentucky 40601

9. BMP Plan Modification

The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in the release of "BMP pollutants."

10. Modification for Ineffectiveness

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of "BMP pollutants," then the specific objectives and requirements under paragraphs b and c of Section 4, the permit, and/or the BMP plan shall be subject to modification to incorporate revised BMP requirements. If at any time following the issuance of this permit the BMP plan is found to be inadequate pursuant to a state or federal site inspection or plan review, the plan shall be modified to incorporate such changes necessary to resolve the concerns.

SECTION B. SPECIFIC CONDITIONS

1. Periodically Discharged Wastewaters Not Specifically Covered By Effluent Conditions

The permittee shall include in this BMP plan procedures and controls necessary for the handling of periodically discharged wastewaters such as intake screen backwash, meter calibration, fire protection, hydrostatic testing water, water associated with demolition projects, etc.